

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ROBERT L. MCCRAY,

Petitioner,

20-cv-04127 (KPF) (KHP)

-against-

ORDER

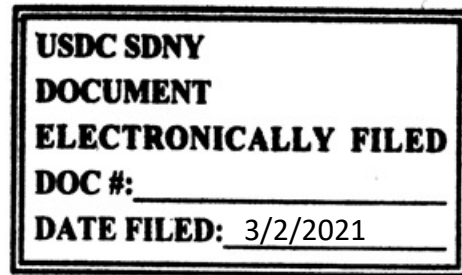
MARK ROYCE,

Respondent.  
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**KATHARINE H. PARKER, United States Magistrate Judge:**

On November 5, 2020 this Court issued an order staying this case pending resolution of a petition *coram nobis* before the New York Court of Appeals. Further, the Court provided Respondent with 45 days from the date the *coram nobis* claim became fully exhausted to file its response to the Habeas Petition filed at ECF No. 2. It was recently brought to the Court's attention that Petitioner received a letter from the Court of Appeals denying the petition *coram nobis* on December 4, 2020 (although Petitioner apparently doubts the letter's authenticity). Separately, Petitioner filed a letter with the Court dated January 12, 2021 informing the Court that he also has a § 440.10 claim currently pending before the Supreme Court, Bronx County.

Notwithstanding Respondent's failure to comply with the previous deadline to respond to the Petition, **the Court hereby orders Respondent to file his response to the Petition by March 31, 2021 or, in the alternative, to file a letter with the Court setting forth reasons why this case should remain stayed until Petitioner's pending § 440.10 claim is fully resolved by the state courts.**



**The Court respectfully requests that the Clerk of Court mail a copy of this Order to the pro se Petitioner.** The Court further notes that there is nothing for Petitioner to do at this time.

**SO ORDERED.**

DATED: New York, New York  
March 2, 2021



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KATHARINE H. PARKER  
United States Magistrate Judge